



# *Indigent Appeals Round Table*

Do's and Don'ts based  
on trial records we see.

# Pre-trial

Motions

Discovery

Investigation

Trial Prep

Jury Instructions

Foundation Requirements for Evidence

During Trial

# voir dire

object to state's improper voir dire

avoid repetition of state or court's questions

strategic questioning

# cross-examination

don't reinforce the state's evidence

lead – testify for the witness

don't cross-examine

# object

to hearsay (gotta know what it is first)

to repetition

# presenting evidence

know foundational requirements

# jury instructions

defense instruction (*e.g.*, alibi)

for all options (*e.g.*, different manslaughter options)

conflicting defenses are okay

Don't get bullied into withdrawing meaningful instructions

particularize the instructions for that case

(oh yeah – prepare them before trial)

# closing arguments

object

send a message arguments

golden rule arguments

inflammatory arguments

# Sentencing

in habitual cases make the state prove status  
and double check

# Post-Trial Motions

always file

for jnov – be particular about what was not proven

for new trial – include weight of evidence and  
any meaningful denials of continuance

# Transferring case to Indigent Appeals

Either get the trial court to appoint the IAD and we'll file the appeal or file the appeal and move to withdraw at the appellate court. No need to do both, unless you just like paperwork.

Let us know if the trial court appoints us.